HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 17817 OF 2003

BETWEEN

Tadikonda Kamalamma

.....**Petitioner**

And

Government of India,
Rep. by its Under Secretary,
Ministry of Home Affairs,
New Delhi & another

.....**Respondents**

:: O R D E R::

Counsel for the Petitioner : Shri Srinivasa Rao Bodduluri

Counsel for Respondent No.1 : Shri A. Rajasekhar Reddy, Assistant Solicitor General

Counsel for Respondent No.2 : Government Pleader for Revenue

Dated: 12.09.2006

Petitioner – Tadikonda Kamalamma, whose husband late Shri Tadikonda Narayana had suffered imprisonment for nine months as an under-trial prisoner pursuant to an order made by Munsif Court, Paloncha under Section 26 of the Hyderabad Security Act in Case No.31/1/57-Fasli, has filed this petition for quashing communication dated 13.11.2001 vide which the Government of India rejected her claim for grant of family pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme') on the ground that her husband had not suffered imprisonment as a convict.

At the hearing, Shri A. Rajasekhar Reddy, learned Assistant Solicitor General very fairly stated that during the pendency of the writ petition, the Government of India has decided to treat the imprisonment suffered by a person as an under-trial prisoner as imprisonment for the purpose of the 1980 Scheme and that appropriate order for grant of pension to the petitioner will be passed within a period of five weeks.

In view of the statement made by the learned Assistant Solicitor General, I do not consider it necessary to adjudicate on the legality of communication dated 13.11.2001 and dispose of the writ petition as infructuous.

However, liberty is given to the petitioner to file

miscellaneous petition for revival of the writ petition or for issue of an appropriate order, if any such contingency arises.

G.S.SINGHVI, CJ

ksld
12.09.2006